



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३ अंक ६९(३)]

गुरुवार, सप्टेंबर ७, २०१७/भाद्र १६, शके १९३९

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक १४२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings (Amendment) Act, 2017, (Mah. Act No. LVIII of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

N. J. JAMADAR,

Principal Secretary and Remembrancer of
Legal Affairs to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. LVIII OF 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 7th September 2017).

An Act further to amend the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act.

LXII of 1947. WHEREAS it is expedient further to amend the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Prevention of Fragmentation and Consolidation of Holdings (Amendment) Act, 2017.

Amendment
of section 9
of LXII of
1947.

2. In section 9 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, after sub-section (3), the following proviso and *Explanation* shall be added, namely :—

LXII of
1947.

"Provided that, save as otherwise provided in section 31, the Collector may, upon an application made in this regard, regularise a transfer or partition of a land contrary to the provisions of this Act made on or after 15th day of November 1965 and before the date of commencement of Maharashtra Prevention of Fragmentation and Consolidation of Holdings (Amendment) Act, 2017, if such land is allocated to residential, commercial, industrial, public or semi-public or any non-agricultural use, in the prevailing draft or final Regional Plan; or is intended to be used for any *bona fide* non-agricultural user, subject to payment of regularisation premium at such per centum not exceeding 25 per cent. of the market value of such land as per the Annual Statement of Rates, as the Government may notify, from time to time, in the *Official Gazette*:

Mah.
LVIII
of 2017.

Provided further that, save as otherwise provided in section 31, if a transaction of transfer or partition of land contrary to the provisions of this Act is regularised on the ground that the land would be used for any *bona fide* non-agricultural use, then failure to start such *bona fide* non-agricultural use within 5 years from the date of regularisation shall result in forfeiture of such land by the Collector. Such land thereafter shall be first offered to the holder or occupant of a neighbouring contiguous survey number or recognised sub-division of a survey number on payment of 50 per cent. of the market value of such land as per the prevailing Annual Statement of Rates and three-fourth of the amount so collected shall be paid to the defaulting person from whom such land was forfeited to the Government and the remaining one-fourth of the amount so collected shall be credited into the Government account. Where occupant of such neighbouring contiguous survey number or recognised sub-division refuses to purchase the fragment, the fragment shall be auctioned by the State Government and the proceeds thereof shall be divided between the defaulting person and the Government in the ratio of 3:1.

Explanation.— For the purpose of this sub-section, the term "Annual Statement of Rates" shall mean the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the order of regularisation is issued by the Collector or the year in which such premium is paid, whichever is later."